

FIRST REGULAR SESSION

HOUSE BILL NO. 1038

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BURLISON (Sponsor) AND FUNDERBURK (Co-sponsor).

1828L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 18, RSMo, by adding thereto one new section relating to the energy compact.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 18, RSMo, is amended by adding thereto one new section, to be
2 known as section 18.100, to read as follows:

**18.100. The Energy Compact is enacted into law and entered into by the state as
2 a party, and is of full force and effect between the state and any other states joining therein
3 in accordance with the terms of the Compact, which such Compact is as follows:**

**4 Section 1. Definitions. As used in this compact, unless the context clearly indicates
5 otherwise:**

6 "Commission" means the Interstate Advisory Energy Commission.

**7 "Energy" means the exploration, development, production, distribution, and
8 consumption of hydrocarbon and alternative energy resources, including without
9 limitation coal, oil, natural gas, geothermal, nuclear, wind, solar, electricity, and any other
10 means of generating or storing energy for current or future use by individuals, private
11 organizations, or government.**

**12 "Member State" means a State that is signatory to this compact and has adopted
13 it under the laws of that state.**

**14 Section 2. Pledge. The Member States shall take joint and separate action to secure
15 the consent of the United States Congress to this Compact in order to return the authority
16 for Energy regulation to the Member States consistent with the goals and principles
17 articulated in this Compact. The Member States shall improve Energy regulation within**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 their respective jurisdictions and according to the judgment and discretion of each
19 Member State.

20 Section 3. Legislative Power. The Legislatures of the Member States have the
21 primary responsibility of Energy regulation in their respective States.

22 Section 4. State Control.

23 (a) Subject to section 4(b) of this Compact, each Member State, within its State,
24 may suspend by legislation the operation of all federal laws, rules, regulations, and orders
25 concerning or affecting Energy. Federal and state laws, rules, regulations, and orders
26 concerning Energy will remain in effect unless a Member State expressly suspends them
27 pursuant to its authority under this Compact.

28 (b) No Member States may suspend, under the authority granted under 4(a) above,
29 any provision of the Federal Clean Air Act, or any other Federal law that regulates air
30 quality within that Member State, but a Member State may suspend by legislation the
31 operation of any Federal agency rule adopted under the Federal Clean Air Act, or under
32 any other Federal statute that regulates air quality within that Member State, and such
33 suspension shall be effective until Congress shall by a joint resolution approve such Federal
34 agency rule, pursuant to a Federal law providing for congressional approval of major
35 Federal agency actions, whereupon the Federal agency rule shall be in effect within every
36 Member State as if part of the Federal Clean Air Act.

37 Section 5. Interstate Advisory Energy Commission.

38 (a) The Interstate Advisory Energy Commission is established. The Commission
39 consists of members appointed by each Member State through a process to be determined
40 by each Member State. A Member State may not appoint more than two members to the
41 Commission and may withdraw membership from the Commission at any time. Each
42 Commission member is entitled to one vote. The Commission shall not act unless a
43 majority of the members are present and no action shall be binding unless approved by a
44 majority of the Commission's total membership.

45 (b) The Commission may elect from among its membership a chairperson. The
46 Commission may adopt and publish by laws and policies that are not inconsistent with this
47 Compact. The Commission shall meet at least once a year and may meet more frequently.

48 (c) The Commission may study issues of Energy regulation that are of a particular
49 concern to the Member States. The Commission may make non-binding recommendations
50 to the Member States. The Legislatures of the Member States may consider these
51 recommendations in determining the appropriate energy regulations in their respective
52 States.

53 (d) The Commission shall collect information and data to assist the Member States
54 in the regulation of Energy, including assessing of the performance of various energy
55 regulations and compiling information on Energy regulation. The Commission shall make
56 this information and data available to the Legislatures of the Member States.

57 (e) The Members States shall fund the Commission as agreed to by the Members
58 States. The Commission shall have the responsibilities and duties as may be conferred
59 upon it by subsequent action of the respective Legislatures of the Member States in
60 accordance with the terms of this Compact.

61 (f) The Commission shall not take any action within a Member State that
62 contravenes any state law of the Member State.

63 Section 6. Congressional consent. This Compact shall be effective on its adoption
64 by at least two Member States and in addition, with respect to sections 3 and 4 of this
65 Compact, the consent of the United States Congress. This Compact shall be effective unless
66 the United States Congress, in consenting to this Compact, alters the fundamental purpose
67 of this Compact, which is to secure the right of Member States to establish and maintain
68 Energy regulations in their respective States pursuant to this Compact and to suspend the
69 operation of any conflicting Federal laws, rules, regulations, and orders regulating Energy
70 within their States, with the exception of Federal laws passed by Congress that regulate air
71 quality within Member States.

72 Section 7. Amendments. The Member States, by unanimous agreement, may
73 amend this Compact from time to time without the prior consent or approval of Congress
74 and any amendment shall be effective unless, within one year, the Congress disapproves
75 that amendment. Any State may join this Compact after the date on which Congress
76 consents to the Compact by adoption into law under its State Constitution.

77 Section 8. Withdrawal; Dissolution. Any Member State may withdraw from this
78 Compact by adopting a law to that effect, but no such withdrawal shall take effect until six
79 months after the Governor of the withdrawing Member State has given notice of the
80 withdrawal to the other Member States. A withdrawing State shall be liable for any
81 obligations that it may have incurred prior to the date on which its withdrawal becomes
82 effective. This Compact shall be dissolved upon the withdrawal of all but one of the
83 Member States.

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